ORDINANCE 06-07

AN ORDINANCE TO AMEND THE ZONING ORDINANCE #04-09, OF THE TOWN OF NOLENSVILLE, TENNESSEE

WHEREAS, the Town of Nolensville enacted Zoning Ordinance 04-09 in 2004. Prior to the enactment of 04-09, the Town enacted Ordinance #98-22 in 1998 which amended the initial zoning ordinance of the Town of Nolensville. Subsequent amendments have been enacted prior to the enactment of Ordinance 04-09; and

WHEREAS, The Town of Nolensville Planning Commission met on January 12, 2006, and discussed the need to revise Appendix B-Landscaping, Buffering and Tree Protection, in its zoning ordinance

WHEREAS, the Town of Nolensville Planning Commission has recommended certain the amendments to the Nolensville Board of Mayor and Aldermen,

WHEREAS, the Board of Mayor and Aldermen have conducted a public hearing on _____, 2006, thereon; and

WHEREAS, The Board of Mayor and Aldermen believe it is in the best interest of the citizens and residents of the Town to revise the Ordinance 04-09 as it relates to the Appendix B-Landscaping, Buffering and Tree Protection;

NOW, THEREFORE BE IT ORDAINED BY THE BOARD AND MAYOR AND ALDERMAN, that Zoning Ordinance 04-09 of the Town of Nolensville is amended by revising said ordinance as follows:

SECTION 1:

Article 1.3.2 **Street Tree Requirement** that reads as follows:

Street Tree Requirement Every development site, with the exception of single-family homes within the ER base-zoning district, shall provide street trees along all public street frontage. Approximate canopy type trees shall be selected from the recommended tree list contained in this Appendix on page 12. Alternative trees may be approved by the planning commission. The required street trees shall be spaced an average of 50 feet apart with no spacing no greater than 75 feet between trees. In addition the following provisions shall apply:

A. Street trees may be counted toward the density requirements.

B. Streets with a design speed of greater than 35 mph shall have street trees planted at least 10 feet from the curb.

C. Streets with a design speed of less that 35 mph shall have street trees planted in a planting strip between the sidewalk and curb unless this location would result in a conflict with overhead utility lines.

Shall be revised to read as follows:

Street Tree Requirement Every development site, with the exception of single-family homes within the ER base-zoning district, shall provide street trees along all public street frontage. Canopy type trees shall be selected from the recommended tree list contained in this Appendix on page 12. Alternative trees may be approved by the planning commission. The required street trees shall be spaced an average of 50 feet apart with no spacing no greater than 75 feet between trees. In addition the following provisions shall apply:

A. Street trees **shall be canopy trees** and may be counted toward the density requirements.

B. **Understory trees shall be substituted for canopy trees if there is a conflict with overhead utility lines**.

C. Streets with a design speed of greater than 35 mph shall have street trees planted at least 10 feet from the curb.

D. Streets with a design speed of less than **or equal** to 35 mph shall have street trees planted in a planting strip between the sidewalk and curb.

SECTION2:

Article 1.4.2, **Required Tree Density** (first sentence), that reads as follows:

Each non-residential property and OSD Development shall attain a Tree Density Factor of at least fourteen units per acre and each residential plan shall attain a Tree Density Factor of at least five (5) units per acre using existing or replacement trees, or a combination of both. The Tree Density Factor is a number based on the basal area of a tree, which is the cross section square footage of a tree trunk measured by going through the trunk on a parallel plane to the ground at diameter breast height (4.5 feet).

Shall be revised to read as follows:

Each non-residential property and **PUD** Development shall attain a Tree Density Factor of at least fourteen units per acre and each residential plan shall attain a Tree Density Factor of at least five (5) units per acre using existing or replacement trees, or a combination of both. The Tree Density Factor is a number based on the basal area of a tree, which is the cross section square footage of a tree trunk measured by going through the trunk on a parallel plane to the ground at diameter breast height (4.5 feet)

SECTION 3:

Article 1.4.7 **Prohibited Trees** that reads as follows:

The following trees are deemed undesirable in Nolensville and may not be used to satisfy the requirements as replacement trees of this Article: any species known to be weak, short-lived, disease-prone, or to belong to an overpopulation of its species,

including, but not limited to Boxelder (female), Silver Maple, Hackberry, Americal Elm, Osage Orange (female) and Cottonwood (except hybrids).

Shall be revised to read as follows:

The following trees are deemed undesirable in Nolensville and may not be used to satisfy the requirements as replacement trees of this Article: any species known to be weak, short-lived, disease-prone, or to belong to an overpopulation of its species, including, but not limited to Boxelder (female), Silver Maple, Americ**an** Elm **species and cultivars susceptible to Dutch Elm disease**, Osage Orange (female), Cottonwood (except hybrids) **Bradford Pear, and Lombardy Poplar, Gingko (female).**

SECTION 4:

Article 1.5.1 <u>Applicability</u> that reads as follows:

All trees planted or preserved to satisfy the requirements of this Article shall count towards the tree density requirements on page 4 of this Appendix. The following requirements are cumulative, not exclusive.

Shall be revised to read as follows:

All trees planted or preserved to satisfy the requirements of this Article shall count towards the tree density requirements **of Section 1.4.2** of this Appendix. The following requirements are cumulative, not exclusive.

SECTION 4:

Article 1.5.4 , item B, **Perimeter Parking Area Requirements** that reads as follows:

Trees planted to meet this requirement shall measure a minimum three (3) inches in caliper. Canopy trees shall be of a species listed on the planning commission's adopted Recommended Tree List on page 4 of this Appendix or approved equal.

Shall be revised to read as follows:

Trees planted to meet this requirement shall measure a minimum three (3) inches in caliper. Canopy trees shall be of a species listed on the planning commission's adopted Recommended Tree List **located in Section 1.7.0** of this Appendix or approved equal.

SECTION 5:

Article 1.5.4 , item E, **Perimeter Parking Area Requirements** (second sentence) that reads as follows:

Plantings must be a minimum 24 inches in height at time of installation and spaced between 36 inches on center and 40 inches on center depending upon species selected and recommendations of the planning department staff.

Shall be revised as follow:

Plantings must be a minimum 24 inches in height at time of installation and spaced 36 inches on center.

SECTION 6

Article 1.5.5, item E, **Interior Parking Area Requirement** that reads as follows:

Trees shall be required at the minimum rate of one canopy tree for every 10 parking spaces or portion thereof. No more than nine parking spaces in a row are permitted without a minimum seven-foot wide landscape island. Canopy trees shall be of a species listed on the planning commission's adopted Recommended Tree List on page 4 of this Appendix or approved equal.

Shall be revised to read as follows:

Trees shall be required at the minimum rate of one canopy tree for every 10 parking spaces or portion thereof. No more than nine parking spaces in a row are permitted without a minimum seven-foot wide landscape island. Canopy trees shall be of a species listed on the planning commission's adopted Recommended Tree List **in Section 1.7.0** of this Appendix or approved equal.

SECTION 7:

Article 1.5.5, item H, **Interior Parking Area Requirement** that reads as follows:

Islands for trees to be retained must cover 100% of the drip area. Islands for new trees must contain a minimum of **200** square feet of plantable area.

SECTION 8:

Article 1.6.3 **Trees** that reads as follows:

Where the planting requirements of Appendix C indicate that additional trees shall be installed, required trees shall meet the following minimum requirements:

A. evergreen: eight (8) feet in height

B. canopy: three (3) inch caliper minimum

C. understory: two (2) inch caliper minimum

Trees shall be distributed throughout the yards, so that there are no horizontal gaps between trees at maturity. Required canopy trees shall have an expected mature height of 30 feet or greater. Required understory trees shall have an expected mature height of at least 15 feet. All trees shall count toward satisfying the tree density requirements of Appendix C on page 4.

Shall be revised to read as follows:

Where the planting requirements of Appendix C indicate that additional trees shall be installed, required trees shall meet the following minimum requirements:

A. evergreen: eight (8) feet in height

B. canopy: **two (2)** inch caliper minimum

C. understory: two (2) inch caliper minimum

Trees shall be distributed throughout the yards, so that there are no horizontal gaps between trees at maturity. Required canopy trees shall have an expected mature height of 30 feet or greater. Required understory trees shall have an expected mature height of at least 15 feet. All trees shall count toward satisfying the tree density requirements of **Section 1.4.2**.

***SECTION 9*:**

Article 1.7.0 **RECOMMENDED TREE LIST** **General** section **shall be deleted in whole and replaced to read as follows**:

1.7.0 RECOMMENDED TREE LIST

General The following list shall be used to select an acceptable tree whenever the planning commission's Recommended Tree List is referenced or trees are required by this ordinance or the Subdivision Regulations of Nolensville. **The botanical name is listed in the left column and the common name is listed in the right column**.

CANOPY TREES	
SCIENTIFIC NAME	**COMMON NAME**
Acer rubrum 'Autumn Flame'	**Autumn Flame Red Maple**

Acer rubrum 'Autumn Glory'	**Autumn Glory Red Maple**
Acer rubrum '**Bowholl'**	Columnar Red Maple
Acer rubrum 'October Glory'	October Glory Red Maple
Acer rubrum 'Red Sunset'	**Red Sunset Red Maple**
Acer saccharum	Sugar Maple
Acer saccharum 'Green Mountain'	**Green Mountain Sugar Maple**
Acer saccharum 'Legacy'	**Legacy Sugar Maple**
Betula nigra	River Birch
Carpinus betulus	European Hornbeam
Carpinus caroliniana	Ironwood,
Cedrus deodara	**Deodar Cedar**
Celtis occidentalis	**Hackberry**
Cladrastis lutea	Yellowwood
Cryptomeria japonica	**Japanese Cedar**
Fagus grandifolia	**American Beech**
Fraxinus Americana 'Autumn Applause'	**Autumn Applause White Ash**
Fraxinus americana 'Autumn Purple'	**Autumn Purple White Ash**
Fraxinus pennsylvanica 'Marshall's Seedless'	**Marshall's Seedless Green Ash**
Fraxinus pennsylvanica 'Patmore'	**Patmore Green Ash**
Fraxinus pennsylvanica 'Summit'	**Summit Green Ash**
Fraxunus pennsylvanica lanceolata	Green Ash
Ginkgo biloba **(male clone only)**	Ginkgo
Ginkgo biloba 'Autumn Gold'	**Autumn Gold Ginkgo**
Ginkgo biloba 'Princeton Sentry'	**Princton Sentry Ginko, Maidenhair**
Gleditsia triacanthos inermis 'Halka'	**Halka Honeylocust**
Gleditsia triacanthos inermis 'Moraine'	**Moraine Honeylocust**
Gleditsia triacanthos inermis 'Rotundiloba'	**Rotundiloba Honeylocust**
Gleditsia triacanthos inermis 'Shademaster'	**Shademaster Honey Locust,**
Gleditsia triacanthos inermis 'Sunburst'	**Sunburst Honey Locust**
Koelreuteria paniculata	Golden Rain Tree
Liquidambar styraciflum	American Sweetgum,
Liriodendron tulipifera	Tulip Poplar, **Yellow Poplar**
Magnolia grandflora	Southern Magnolia
Metasequoia glyptostrobiides	**Dawn Redwood**
Nyssa sylvatica	**Tupelo**
Oxydendrum arboreum	Sourwood
Pistachia chinensis	**Chinese Pistache**
Platanus acerfolia	London Planetree
Platanus occidentails	Sycamore
Quercus acutissima	**Sawtooth Oak**

Quercus alba	White Oak
Quercus borealis rubra	Northern Red Oak
Quercus coccinea	Scarlet Oak
Quercus macrocarpa	**Bur Oak**
Quercus palustris	Pin Oak
Quercus phellos	Willow Oak
Quercus robur	**English Oak**
Quercus rubra	**Red Oak**
Quercus shumardii	**Shumard Oak**
Quercus shumardil	Southern Red Oak
Salix babylonica	**Weeping Willow**
Taxodium distichum	Bald Cypress
Tilia cordata 'Greenspire'	Greenspire Linden, Littleleaf Linden
Ulmus hybrids 'Allee'	**Allee Elm Hybrids**
Ulmus hybrids 'Heritage'	**Heritage Elm Hybrids**
Ulmus parvifolia 'Drake'	**Chinese or Lacebark Elm**
Zelkova serrata 'Green Vase'	'Green Vase' Zelkova
Zelkova serrata 'Village Green'	'Village Green' Zelkova

UNDERSTORY TREES	
SCIENTIFIC NAME	**COMMON NAME**
Acer buergeranum	Trident Maple
Acer ginnala	**Amur Maple**
Acer ginnala 'Flame'	**Flame Maple**
Acer griseum	**Paperback Maple**
Acer palmatum	Japanese Maple
Amelanchier x grandiflora	Serviceberry
Betula nigra 'Dura-Heat '	**Dura Heat River Birch**
Betula nigra 'Heritage'	**Heritage River Birch**
Cercis canadensis	**American** Redbud
Chionanthus virginicus	Fringe Tree
Cornus Kousa	**Kousa Dogwood**
Corrus mas	**Cornelian Cherry**
Corrnus florida	**Flowering Dogwood**

Cotinus coggygria	**Common Smoketree**
Crateagus phaenopyrum	Washington Hawthorne
Halesia carolina	Carolina Silverbell
Koelreuteria paniculata	**Goldenrain Tree**
Koelreuteria paniculata	**Golden Rain Tree**
Lagerstroemia spp.	**Crape Myrtle**
Magnolia soulangeana	Saucer Magnolia
Magnolia ssp.	**Magnolia**
Magnolia virginiana	**Sweetbay magnolia**
Malus spp.	Crabapple
Oxydendron arborreum	**Sourwood**
Prunus sargentii	**Sargent Cherry**
Prunus serrulata 'Kwanzan'	**Kwanzan Flowering Cherry**
Prunus x yedoensis	Yoshino Cherry
Rhus typhina	Staghorn Sumac

EVERGREEN TREES	
SCIENTIFIC NAME	**COMMON NAME**
Ilex opaca	**American Holly**
Ilex spp. 'East Palatka	**East Palatka Holly**
Ilex spp. 'Foster's No.2'	**Foster's No.2 Holly**
Ilex x 'Emily Bruner'	**Emily Bruner Holly**
Ilex x 'Fosteri'	Foster Holly
Ilex x 'Nellie R. Stevens'	Nellie 'R' Stevens Holly
Juniperis virginia	Eastern Red Cedar
Magnolia grandiflora	Southern Magnolia
Pinus nigra	Austrian Pine
Pinus strobus	White Pine
Thuja occidentalis	Arborvitae
Thuja plicata 'Green Giant'	**Green Giant Arborvitae**
Tsuga canadensis	Hemlock
X Cupressocyparis leylandii	Leyland Cypress

SECTION 10:

The provisions contained herein shall be incorporated in the zoning ordinance #04-09, as amended, which ordinance shall now be designated as ordinance #04-09. The adoption of this ordinance is the adoption of the entire zoning ordinance as modified and amended by this ordinance and the Zoning Ordinance shall hereinafter be referred to as ordinance #04-09.

SECTION 11:

The Mayor and Board of Aldermen of the Town of Nolensville, Tennessee, hereby certify that these amendments have been submitted by the Planning Commission of the Town of Nolensville, and a notice of hearing thereof has been ordered has been ordered of the time and place of said meeting has been published in a newspaper circulated in the Town of Nolensville, Tennessee. This Ordinance shall take effect immediately from the date of its final passage, the public welfare demanding it.

_____
Walter T. Dugger, III, Mayor

Attest: _____
Town Recorder

Approved by: _____
Town Attorney

Passed 1st Reading: _____

Public Hearing: _____

Passed 2nd Reading: _____